IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

CRL.A.No. 2274 of 2007()

AGAINST THE ORDER DATED 11/10/2007 IN MC 73 2007 IN SC.1144/2006 of ADDL. SESSIONS COURT, ADHOC(III) KOLLAM

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APPELLANT: COUNTER PETITIONERS/SURETIES

1. PUSHPALATHA, D/O.GOMATHI, MULLASSERI VADAKKATHIL, STHUTHI NIVASIL, PULIKULAM MURI, SOORANADU VADAKKU VILLAGE, KARUNAGAPPALLY TALUK.

2. PONAMMA, W/O.THULASEEDHARAN, MAYA BHAVANAM, VIRANAYATHU VEETTIL, SOORANADU VADAKKU VILLAGE, KARUNAGAPPALLY TALUK.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS: PETITIONER

THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA THROUGH THE SUB INSPECTOR OF POLICE, SOORANADU POLICE STATION.

BY PUBLIC PROSECUTOR SRI. C.M. NAZAR

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl. Appeal NO. 2274 of 2007

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Dated: 21-11-2007

JUDGMENT

Petitioners who are two ladies were the sureties for the accused in S.C. No. 1144 of 2006 on the file of the Addl. Sessions court (Adhoc)III, Kollam involved in an abkari case. Consequent on the non-appearance of the accused, the petitioners were proceeded against under Sec. 446 Cr.P.C. by the Addl. Sessions court (Adhoc-III), Kollam by filing M.C. 73 of 2007 in S.C. 1144 of 2006. Petitioners were unable to show cause for the non-appearance of the accused. The learned Addl. Sessions Judge , thereupon, imposed the entire bond amount of Rs. 20,000/- as penalty recoverable under Sec. 446 Cr.P.C. It is the said order which is assailed in this Appeal.

2. It is true that the petitioners were not able to produce the accused in C.C. 1144 of 2006 before the court below. The accused has made himself scarce by going abroad. The petitioners who are two ladies are stated to be penniless. Under these circumstances, I am inclined to show some leniency towards the petitioners. Accordingly, the penalty amount is reduced to Rs. 10,000/- for each of the petitioners. If the penalty is ultimately found irrecoverable, the petitioners shall be committed to civil prison for a period of two months.

This Crl. Appeal is disposed of as above.

V. RAMKUMAR, JUDGE)

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